

Honorable Marsha J. Pechman

**UNITED STATES DISTRICT COURT,  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

HUONG HOANG, an individual,

Plaintiff,

vs.

AMAZON.COM, INC., a Delaware  
corporation, and IMDB.COM, INC., a  
Delaware corporation,

Defendants.

NO. 11-cv-01709-MJP

**DECLARATION OF KEITH  
SCULLY IN SUPPORT OF  
UNOPPOSED MOTION TO  
CONTINUE TRIAL DATE AND  
RELATED DATES DUE TO THE  
DEATH OF PLAINTIFF'S LEAD  
COUNSEL**

NOTE ON MOTION CALENDAR:

August 13, 2012

I, Keith Scully, do declare and attest as follows:

1. I am over the age of eighteen (18) years of age, counsel of record for Plaintiff Huong Hoang, and competent to testify to the matters stated herein.

2. Attorney John Dozier was a Virginia-licensed attorney that Hoang retained in 2011 to file this lawsuit. In October 2011, Dozier engaged Newman Du Wors as his local counsel. This Court admitted Dozier to this case pro hac vice four days after the two firms jointly filed the complaint on October 13, 2011. From October 17, 2011 until Dozier's death on August 6, 2012, Dozier was the lead attorney on the case and did not consult with his local counsel. He and his firm filed and argued all motions, conducted all

1 depositions and other discovery, and exclusively managed the case. Although Newman  
2 Du Wors remained available to assist should either Hoang or Dozier request assistance,  
3 local counsel did not actively participate in the case and was not privy to litigation-  
4 strategy discussions or the factual investigation. Local counsel did not attend depositions  
5 or review any deposition transcripts or discovery materials.

6 3. Mr. Dozier died on August 6, 2012, and was seriously ill before then.  
7 Among other critical ailments, in the last 18 months Dozier underwent open heart  
8 surgery, brain surgery, and daily dialysis. Despite his illness, his death was unexpected.  
9 As recently as two weeks ago, Dozier attended Hoang's deposition in Seattle—although  
10 he fell asleep during the proceeding.

11 4. Hoang met with Newman Du Wors two days after Dozier's death, and she  
12 engaged the firm to represent her as lead counsel on August 10, 2012. The same day, her  
13 new counsel requested a complete copy of the file from Dozier's office, and expects to  
14 receive it within the next couple weeks. New counsel also promptly contacted  
15 Defendants. The deadline for filing dispositive motions is September 10, 2012, and trial  
16 is currently set for January 7, 2013. Newman Du Wors requires additional time to review  
17 the record before proceeding.

18 5. Defendants do not oppose a three-month continuance of the following  
19 deadlines:

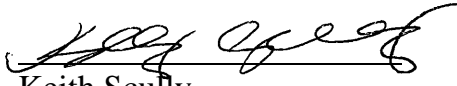
- 20 • Dispositive motions (currently September 10, 2012)
- 21 • Motions in limine (currently December 3, 2012)
- 22 • Agreed pretrial order (currently December 26, 2012)
- 23 • Pretrial conference (currently January 3, 2013)
- 24 • Trial briefs, proposed voir dire questions, proposed jury instructions, and  
25 trial exhibits (currently January 2, 2013)
- 26 • Trial (currently January 7, 2013)

27 Defendants do not agree with or stipulate to any additional relief beyond this  
28 continuance, nor do Defendants otherwise stipulate to any facts or argument asserted

1 herein. Specifically, Defendants do not agree to an extension of the discovery cut-off,  
2 which expired on August 10, 2012. Hoang's new counsel has not yet reviewed the case  
3 file, and does not know if additional motions—potentially including a motion to re-open  
4 discovery—will be required.

5 I certify and declare under the penalty of perjury under the laws of the United  
6 States that to my knowledge the foregoing is true and correct.

7  
8 Dated this 13<sup>th</sup> day of August, 2012 at Seattle, Washington.

9  
10   
11 Keith Scully